

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,
v.
Case No. 14-20199
Honorable Victoria A. Roberts
ARDALE CLARK,
Defendant.

/

ORDER:

**(1) GRANTING DEFENDANT'S MOTION TO REMOVE COURT
APPOINTED ATTORNEY [ECF No. 40]; AND**

**(2) DENYING DEFENDANT'S MOTION FOR RECONSIDERATION OF
ORDER DENYING HIS MOTION FOR COMPASSIONATE RELEASE
[ECF No. 39]**

On June 29, 2021, the Court entered an order denying Defendant's motion for compassionate release. While Defendant originally filed that motion *pro se*, the Court appointed him counsel to represent him for the motion.

Before the Court are Defendant's: (1) motion for reconsideration of the June 29, 2021 order denying him compassionate release; and (2) motion to remove his Court appointed attorney.

The Court **GRANTS** Defendant's motion to remove his Court appointed attorney [ECF No. 40].

Local Rule 7.1(h) governs motions for reconsideration in the Eastern District of Michigan and provides that a movant must show both that there is a palpable defect in the opinion and that correcting the defect will result in a different disposition of the case:

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties and other persons entitled to be heard on the motion have been misled but also show that correcting the defect will result in a different disposition of the case.

E.D. Mich. LR 7.1(h)(3). "A 'palpable defect' is a defect which is obvious, clear, unmistakable, manifest, or plain." *Ososki v. St. Paul Surplus Lines Ins. Co.*, 162 F. Supp. 2d 714, 718 (E.D. Mich. 2001). "A motion for reconsideration should not be used liberally to get a second bite at the apple, but should be used sparingly to correct actual defects in the court's opinion." *Oswald v. BAE Indus., Inc.*, No. 10-12660, 2010 WL 5464271, at *1 (E.D. Mich. Dec. 30, 2010).

Defendant fails to show that the order denying his motion for compassionate release contains a palpable defect.

Accordingly, the Court **DENIES** Defendant's motion for reconsideration [ECF No. 39].

IT IS ORDERED.

s/ Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: August 5, 2021